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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RENEE HOWARD, individually and as  
parent of I.H., a minor, wrongful death heirs  
of the deceased, TIMOTHY HOWARD,

Plaintiffs,

vs.

T-BROTHERS LOGISTICS, L.L.C., a South  
Dakota corporation; T-BROTHERS  
TRUCKING, L.L.C, a South Dakota  
corporation; RUSH TRUCK CENTERS OF  
NEVADA, INC., a Delaware Corporation,

Defendants.

**CASE NO:** 2:23-cv-01570-JAD DJA

T-BROTHERS LOGISTICS, L.L.C. a South  
Dakota corporation; T-BROTHERS  
TRUCKING, L.L.C, a South Dakota  
corporation,

Third Party Plaintiffs

vs.

RND ENTERPRISES, INC., a South Dakota  
corporation.

Third Party Defendant.

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES  
(FIFTH REQUEST)**

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case by sixty (60) days. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule.

**SUMMARY**

The parties herein are requesting the Court for an extension of 60 days of the discovery deadlines based on the following: The current expert designation date is June 9, 2025. There are 6 liability witnesses who need to be deposed. It is on this basis that the request is being made to continue for 60 days the expert designation and other dates associated with that.

Plaintiff has four (4) percipient liability witness deposition set for June 16 and 17, 2025. These are employees of Defendant RUSH. The witnesses are Valerie Marrs, Andrew Molnar, Laura Vincent, and Karen last name unknown. Valerie Marrs and Andrew Molnar are RUSH employees who should have had direct interface with customers and may have knowledge about whether or not customers were directed to park semi tractor trailers out on the street, which is part of the allegations intertwined with liability. The other two employees have history of interface with the City of North Las Vegas designating no parking zones out in front of the RUSH facility. Ostensibly, this was done at the request of RUSH and Laura Vincent and Karen (Inu) have been identified in a prior PMK deposition as having information regarding this issue. A 30(b)(6) of the City of North Las Vegas regarding creation of the no parking zones in front of the RUSH facility is currently being scheduled for to the end of June, 2025.

Defendant T Brothers' Council is presently trying to update and provide current information for a relevant truck driver Jason Eccles. Plaintiff needs to take his deposition once the current information regarding his whereabouts is identified and that can be set up. Two other witnesses, Troy Thie and Daniel Allen have died.

Renee Howard the widow of the deceased and mother of the minor child Plaintiff was deposed on April 4, 2025. The minor child plaintiff, IH, Is being designated as a trial witness and therefore her deposition will have to be taken.

The Amended Complaint alleges the wrongful death of Timoth Howard. The Plaintiffs allege that Timothy Howard, while riding on his motorcycle to work, was decapitated as a result of running into the back of a parked trailer. Plaintiffs allege the trailer was parked illegally in front

1 of defendant Rush's business facility where the deceased worked. Rush is a semi tractor trailer  
2 sales and repair facility in North Las Vegas. Plaintiffs alleged that an employee of Rush instructed  
3 ///  
4 a driver from T Brothers Trucking and or T Brothers Logistics to park the trailer out front of the  
5 Rush facility, which was designated as a no parking zone.  
6

7 The defendants each deny liability. Defendants also allege that the Plaintiffs are barred  
8 from recovery because the deceased, Timothy Howard, was comparatively at fault for the accident  
9 and that the comparative negligence exceeds any negligence on the part of the defendants, if any.  
10 T Brothers Logistics and T Brothers Trucking brought in RND Enterprises as a third-party  
11 defendant. RND Enterprises also denies all liability.

### 12 **PROCEDURAL HISTORY**

13 In support of this Stipulation and Order, the parties state as follows:

- 14 1. On October 11, 2023, Plaintiff filed her Complaint in the United States District  
15 Court, District of Nevada.
- 16 2. On November 27, 2023, Defendant/Third Party Plaintiff T-Brothers Trucking,  
17 L.L.C. filed its Answer and Third-Party Complaint.
- 18 3. On November 28, 2023, Defendant Rush Truck Centers of Nevada, Inc. filed its  
19 Answer.
- 20 4. On January 5, 2024, Plaintiff served Initial FRCP 26 Disclosures.
- 21 5. On January 9, 2024, Defendants/Third Party Plaintiffs T-Brothers Logistics, L.L.C.  
22 and T-Brothers Trucking L.L.C. served their Initial FRCP 26 Disclosures.
- 23 6. On January 17, 2024, Defendant Rush Truck Centers of Nevada, Inc. served its  
24 Initial FRCP 26.1 Disclosures.
- 25 7. On January 24, 2024, the Court entered the Discovery Plan and Scheduling Order.
- 26 8. On February 28, 2024, Plaintiff propounded written discovery requests on Rush  
27 Truck Centers of Nevada, Inc., T-Brothers Logistics, L.L.C., and T-Brothers  
28

Trucking, L.L.C, each individually.

9. On April 2, 2024, Plaintiff served her First Supplement to Initial Disclosures.

10. On April 19, 2024, Plaintiff served her Second Supplement to Initial Disclosures.

11. On May 1, 2024, Third-Party Defendant RND Enterprises, Inc. filed its Answer to Defendants/Third Party Plaintiffs T-Brothers Logistics, L.L.C. and T-Brothers Trucking L.L.C.'s Third Party Complaint.

12. On June 24, 2024, Plaintiff served her Third Supplement to Initial Disclosures.

13. On June 25, 2024, Plaintiff served her Fourth Supplement to Initial Disclosures.

14. On June 26, 2024, Plaintiff served her Answers to T-Brothers' Interrogatories.

15. On June 26, 2024, Plaintiff, Renee Howard, as Parent of IH a Minor, served her Answers to Interrogatories.

16. On June 26, 2024, Plaintiff served her Response to T-Brothers' Requests for Production.

17. On July 1, 2024, Defendant Rush Truck Centers served their Responses to Plaintiff's First Set of Interrogatories.

18. On July 1, 2024, Defendant Rush Truck Centers served their Responses to Plaintiff's First Set of Requests for Production.

19. On July 29, 2024, Third-Party Defendant RND served its First Set of Interrogatories to Defendant Rush Truck Centers.

20. On July 29, 2024, Third-Party Defendant RND served its First Set of Requests for Production to Defendant Rush Truck Centers.

21. On July 29, 2024, Third-Party Defendant RND served its First Set of Interrogatories to Defendant T-Brothers.

22. On July 29, 2024, Third-Party Defendant RND served its First Set of Requests for Production on Defendant T-Brothers.

23. On November 13, 2024, Plaintiffs took the deposition of the PMK of Defendant

Rush Truck Centers of Nevada.

24. On November 13, 2024, Plaintiffs took the deposition of Mark Chowaniec, General Manager of Defendant Rush Truck Centers of Nevada.

25. On December 9, 2024, Plaintiffs took the deposition of the PMK of Defendant T Brothers.

26. As a result of the November 13, 2024, PMK Deposition of Rush Truck Centers of Nevada, there will be follow-up Rush employee depositions.

### **DISCOVERY REMAINING**

1. Defendants/Third-Party Plaintiffs T-Brothers Logistics, L.L.C. and T-Brothers Trucking L.L.C will serve written discovery.

3. Defendant Rush Truck Centers of Nevada, Inc. will serve written discovery.

4. All parties will respond to written discovery that has been propounded upon them.

5. The Defendants will take the deposition of Plaintiff Rene Howard.

6. Plaintiff will depose the Defendants'/Third-Party Defendant's Rule 30(b)(6) designee(s), serve additional written discovery requests, and identify appropriate experts.

7. Defendants will collect any and all relevant medical and/or mental health records and/or billing related to the allegations contained in Plaintiff's Complaint.

8. Defendants/Third Party Defendant may depose Plaintiff's medical and/or mental health providers once able to collect any and all relevant medical and/or mental health records and billing.

9. The parties may depose any and all other witnesses identified through discovery.

### **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

The parties aver, pursuant to Local Rule 26-3, that good cause exists for the requested

extension. This Request for an extension of time is not sought for to delay the proceedings or for any improper purpose.

The parties have conducted extensive discovery on this case Plaintiffs' counsel has taken the deposition of the PMK of Rush Truck Centers of Nevada, the deposition of the General Manager of Rush Truck Centers of Nevada, and the deposition of the PMK of T Brothers Trucking on December 9, 2024, and anticipates probably four or five more liability depositions of percipient witnesses. Due to the severity of the subject incident, the materials and plethora of information and documents involved with this matter, and the timing of all named parties making their appearance in this matter, it is necessary for an extension of the discovery deadlines in order to allow each party a fair and just opportunity to obtain the information, analyze the information, and obtain experts as may be necessary in order to properly prosecute or defend this matter.

For those reasons, the parties respectfully request an extension of the discovery deadlines in this matter.

Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons and good cause for the extension. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

<u>Scheduled Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Cut-off	August 4, 2025	October 6, 2025
Deadline to Amend Pleadings or Add Parties	March 3, 2025	

Expert Disclosure pursuant to FRCP 26	June 9, 2025	August 8, 2025
Rebuttal Disclosure pursuant to FRCP 26(a)(2)	July 9, 2025	September 9, 2025
Dispositive Motions	September 1, 2025	November 3, 2025
Joint Pretrial Order	August 15, 2025	<del>October 15, 2025</del> <b>December 3, 2025</b> If dispositive motions are pending, the parties will submit their Joint Pretrial Order within thirty (30) days of the Court's order as to any dispositive motions.

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WHEREFORE, the parties respectfully request this Court extend the discovery period by sixty (60) days from the current deadline of April 3, 2025, up to and including June 3, 2025, and extend the other dates as outlined in accordance with the table above.

IT IS SO STIPULATED.

DATED the 22<sup>nd</sup> day of May 2025.

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RND ENTERPRISES, INC.

### **ORDER**

IT IS SO ORDERED subject to the Court's modification of the joint pretrial order deadline. The joint pretrial order deadline is December 3, 2025.

DATED this 23<sup>rd</sup> day of May, 2025.

  
UNITED STATES MAGISTRATE JUDGE